IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTH DAY OF AUGUST
TWO THOUSAND AND FOUR

-

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 13900 of 2004

-

Between:

T.Suguna, W/o Venkatratnam,
Panduvanagulavaram Village, Veligandla Mandal,

Prakasam District

..... PETITIONER

AND

-

1 The Joint Collector (Civil Supplies), Prakasam District
2 The Revenue Divisional Officer, Kandukuru, Prakasam

District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the proceedings Rc.No.F/1370/2004, dated 09-07-2004 issued by the 2nd respondent consequential order dated 24-07-2004 dismissing the stay petition filed petitioner passed by the 1st respondent as illegal, arbitrary and unconstitutional or pass such other order or orders as this Hon'ble Court may deem fit and proper in the interests of justice.

Counsel for the Petitioner: MR. I. KOTI REDDY

Counsel for Respondent: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following

ORDER:

The petitioner filed this writ petition aggrieved by the order of the Joint Collector, the first respondent herein dated 24-7-2004 wherein the Joint Collector while entertaining the appeal preferred by the petitioner against the order of suspension dated 9-7-2004, rejected the application for stay.

Learned counsel for the petitioner submits that all the allegations made against the petitioner are trivial in nature and since the statutory appeal filed by the petitioner is pending, the first respondent is not justified in dismissing the application for stay.

Having regard to the facts and circumstances of the case and in view of the nature of the alleged irregularities, I am of the view that the balance of convenience is in favour of the petitioner and it would be appropriate to continue the petitioner to distribute the commodities till the disposal of the statutory appeal. It is also brought to my notice that so far, no appointment has been made in respect of the shop in question except making a temporary arrangement for distribution of the commodities.

Under the circumstances, the impugned order dated 24-7-2004 is set aside and the Writ Petition is disposed of directing the first respondent-Joint Collector to

consider the statutory appeal pending on his file and to dispose of the same as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order. Till the appeal is disposed of the order of suspension dated 9-7-2004 shall not be given effect to. No costs.

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G. ROHINI, J.

6th August, 2004.

Note: Operative portion

by wire.

B/o

js

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1 The Joint Collector (Civil Supplies), Prakasam District
2 The Revenue Divisional Officer, Kandukuru, Prakasam

District

3 Two CCs to G.P. for Civil Supplies, High Court buildings,

Hyderabad.

4 2 CD copies.